



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

BOARD MEETING MINUTES

DECEMBER 21, 2010

The meeting was called to Order at 1:05 p.m. by the Chairperson,
Shirley Leeper, PTA.

Call to Order

Board members present:

John Baker, PT
Ved Gupta, Consumer Member
Krystal Lighty, PT
Lori Mizell, PT, Vice Chairperson
Donald Novak, PT
Lois Rosedom-Boyd

Also present:

Ann E. Tyminski, Executive Director
Linda Bethman, AAG, Board Counsel
Francesca Gibbs, Staff Attorney
Ernest Bures, Compliance Manager
John Bull, Investigator
Deborah Jackson, Board Secretary

Visitor:

Alice Kahl, PT

Absent:

Joy E. Aaron, Deputy Director
Patricia Miller, Licensing Administrator

Ms. Leeper announced that Rhea Cohn, PT has been appointed to the Board to replace Stephen D. Ryan, PT who resigned. It is expected Ms. Cohn will be sworn in by the Clerk of Courts, Montgomery County prior to the January meeting.

Board
Appointment

It was announced to the Board that its first Executive Director, Mildred T. Wittan passed away on December 7, 2010. The Board voted to send a contribution from its Sunshine Fund to her charity, the Barker Foundation, Washington, DC. Ms. Mizell will make the donation from the fund.

Mildred Wittan

The Minutes of the Open Session held on November 16, 2010 were reviewed and approved with two corrections.

Minutes

The Board reviewed an inquiry from Victoria D. Jones, PTA regarding whether there is a limit to how many patients may be included in a group therapy session. Currently there is no limit specified in the Practice Act. A letter will be sent to her quoting the regulation.

Group Therapy

An inquiry from Josita DeHaan-Kicmal, PT regarding PTA scope of practice was reviewed and discussed. The Board determined that a physical therapist assistant cannot perform a home assessment whether or not the home environment has been simulated in the clinic. The physical therapist must be the first healthcare provider in the home when physical therapy is being offered.

PTA Scope of Practice

Sue Winebrenner, PT inquired about the practice of stocking and selling treatment items such as ice packs, therapy balls and free weights for sale to patients. The Board's response is that a physical therapist may sell such items so long as the physical therapist does not use his/her position as a healthcare provider to force a patient to buy items that are not necessary. She will be referred to 13-316 (16,) the regulation relating to the promoting or sale of such items.

Treatment Items

Barbara Middlekauff's e-mail regarding delegation of duty practices in the school environment was discussed. The support staff described are caregivers. When such things as gait training, prone standers, sit-to-standers etc. are taught to these caregivers, the teaching should be individualized and specific to the needs of the school patient to whom care is being given. The second question she posed to the Board dealt with the availability of the physical therapist to the support staff. She will be told that there is nothing in Maryland law pertaining to a physical therapist being on call to support staff and advised that she address the issue with her agency as it may be an agency policy for students on a maintenance program.

School Patients

The e-mailed inquiry from Nancy Chase-Tauschman, PTA was discussed. She had several questions regarding PTA scope of practice. The PTA must ensure there has been an evaluation of the physical therapy needs of the patient and a plan of care has been written by the PT, the PTA has reviewed the plan of care and discussed it with the PT prior to the PTA commencing treatment. As for the facility form that the PT has established a plan, the PT needs to have established the plan and signed the form if that is facility policy.

PTA Scope of Practice Issues

Scott Wasserman, PT has inquired whether or not the same PT who has established the plan of care for a PTA to follow needs to be the same PT who discharges a patient. The Board's response is that it is not necessarily the same PT who evaluates and writes the treatment plan who would be the one to discharge a patient so long as another PT has taken over responsibility of the patient's care and supervision of the PTA who treats that patient. It would then be the responsibility of the second PT

Discharge

to write the discharge summary.

An inquiry pertaining to physical therapy aides submitted by Sandra D. Mabry, PT was discussed. Ms. Mabry inquired as to whether or not an aide may set up patients for traction and electrical stimulation. The Board advises that a patient may be set up for traction and electrical stimulation by a physical therapy aide. This is not interpreted as a treatment activity. The PT must check the set-up and turn on the machines, however.

Physical
Therapy Aides

LaDonna Dingle, PT at Southern Maryland Hospital e-mailed a question regarding the timeframe in which an initial outpatient physical therapy evaluation must be completed. The Board determined this question to be a payor issue and refers Ms. Dingle to the APTA Reimbursement division.

Timeframes

There was a great deal of discussion regarding the necessity for Restricted Licenses for persons coming into Maryland to offer continuing education courses. APTA of MD was particularly interested in this issue since the APTA National annual meeting is scheduled to be held in 2011 at the National Harbor which is in Maryland. Alice Kahl, PT was present at the Board meeting to listen to the discussion on this issue. After much discussion and advice to Ms. Kahl that any change in the language would require a Statute change, the Board issued the following advisory:

Restricted
Licenses

"The Board has been presented with requests for clarification of a certain provision in the Maryland Physical Therapy Act requiring a Restricted license for presenters and/or attendees of physical therapy workshops and lectures.

Section 13-314 requires a Restricted license for presenters and attendees who 'practice physical therapy in connection with: (1) giving lectures or workshops on physical therapy; or (2) taking any short term physical therapy study course that is approved by the Board.'

The practice of physical therapy is defined at Health Occupations Article, Section 13-101 (i) and includes the evaluation and treatment of patients or clients. The Board does not consider course or workshop attendees to be 'patients or clients'. Therefore, if a course does not involve the evaluation or treatment of a patient, the presenter and/or attendees do not require a Restricted license. In other words, if an instructor is demonstrating a skill on a course attendee, or course attendees are practicing a skill on each other, a Restricted license is not necessary."

The course presenter should be aware, however, that practicing physical therapy without a license in Maryland can result in up to a \$50,000 civil penalty. Therefore, a decision not to apply for a restricted license must be weighed carefully if there is ever a complaint that the person on whom a skill was demonstrated was harmed in the process and decided that he or she was being "treated". The Board would then investigate such a complaint.

Jill Stone, PT from Peninsula Regional Medical Center described the computerized documentation program as having a barrier to entering the onset and admission dates. She wondered if these dates are necessary. The Board advises that the regulations for Documentation found at COMAR 10.38.02-1 must be followed and that the software needs to be changed to accommodate the appropriate documentation. As an alternative, the onset and admission dates could be entered in the narrative section.

COMAR
10.38.02-1

Marge Rodgers, PT is involved with a group that is working towards implementing Residency programs and inquired as to what regulation or law changes would be necessary to allow residents who are in Maryland pursuing the residency or fellowship programs to practice. Ms. Lighty advised the Board that the University of Maryland PT program is working on this issue and they are working on a proposal with Johns Hopkins to present to the Board. The Board decided to wait for the proposal to see what action would be necessary to change either the law or regulations to allow persons who are in such residency programs to practice without the direct supervision of a PT that is presently necessary for students in PT programs.

Residents

The response from the Pharmacy Board regarding the mixing of dexamethasone and ultrasound gel indicates this is compounding. Physical therapists may not compound medications. Only pharmacists may perform this function. Ms. Goldstein, a physical therapist who made the inquiry to the Physical Therapy Board some time ago, will be so advised.

Compounding

The letter from the Maryland State Steering Committee for Occupational and Physical Therapy School-Based Programs outlining their specific concerns with the PTA Act as it relates to school physical therapy was tabled for discussion in January.

School- Based
PT Programs

A discussion ensued with regard to criminal background checks. Many of the Maryland health occupations boards presently require criminal background checks. The issue was moved to the legislative committee to draft a legislative proposal.

Criminal Checks

The task force for Continued Competency requirements headed by Lori Mizell and John Baker will look for participants who are licensees and also for APTA and FSBPT participants. A request for interested persons will be posted on the web site and in the winter newsletter.

Continued
Competency

Mrs. Tyminski requested articles for the winter newsletter that should be sent out by early February. Lori Mizell will write something about the Continued Competency project. The Board's decision regarding restricted licenses will be included. John Baker will write an article regarding the importance of a PT determining the plan of care.

Winter
Newsletter

Board Meeting Minutes
December 21, 2010

-5-

The Board reviewed and denied two continuing education course applications: "LaCross Sports Medicine: Taking Care of America's Fastest Growing Sport"; and "Level I Trager Training." It was unanimously determined to deny these courses because neither was specific to the practice of physical therapy.

Continuing
Education

The Income Summary reports were reviewed.

Income
Summaries

The Rules of Procedure for Board Hearings, COMAR 10.38.05, was distributed to the Board members to include in their law books.

COMAR 10.38.
05

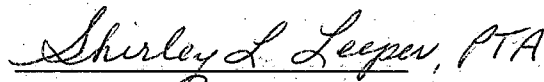
Applications for Licensure:

The initial license application for Bethany N. Singer, a PT applicant was moved to closed session.

The reinstatement application of Dennis Frank Edgar Frank, PTA was moved to closed session.

The Board unanimously voted to close the open session at 3:10 p.m. for the purpose of engaging in medical review committee deliberations of physical therapist applications in accordance with State Government Article Section 10-50 8(a) (13) and to then move into Administrative Session to discuss disciplinary cases.

Respectfully submitted,


Shirley L. Leeper, PTA, Chairperson

Date approved:
January 18, 2011


Ann E. Tyminski, Executive Director